

REMARKS

Claims 11-20 are withdrawn from consideration. Claims 1-10 are pending in the instant application. Claims 1-10 have been amended. No new matter has been entered.

This application claims priority from Japanese Application 2003-284306. A certified copy of the priority document was submitted together with the filing of this application. It is respectfully requested priority and receipt of the priority document be acknowledged.

The office action objects to the drawings. In response new Figures 1-5 are submitted herewith wherein a legend –PRIOR ART— is designated respectively and a new Figure 7A is submitted herewith wherein the text “STATRE” is replaced with “STATE”. The new Figs. 1-5 and 7A bear the legend REPLACEMENT SHEET. No new matter is added. Withdrawal of the objection is requested.

On the merits, the office action rejects claims 1, 3, 5-6, 8 and 10 under 35 U.S.C. 102(e) as anticipated by Gopalan et al. (U.S. Publication No.2003/0176934 A1, hereinafter referenced Gopalan). Claims 2, 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gopalan in view of Chiu et al. (U.S. Publication No. 2004/0220803 A1, hereinafter referenced as Chiu). The rejections are respectfully

traversed in view of the forgoing amendments and the following remarks.

Claim 1, as amended, recites an “embedding judgment unit, every speech code, to judge whether or not data should be embedded in the speech code based on a plurality of parameter codes constituting the speech code output from a code excited linear prediction encoder, the plurality of parameter codes including an LSP code, a pitch lag code, a fixed code and a gain code.”

Claim 1, as amended, also recites an “embedding unit to embed data should be embedded in two or more parameter codes, defined as embedding object parameter codes, among the plurality of parameter codes constituting the speech code for which it is judged by the embedding judgment unit that the data should be embedded, wherein the embedding object parameter codes include a part of the LSP code, the pitch lag code and the fixed code, and the embedding unit replaces the embedding object parameter codes with the data should be embedded.”

As best understood Gopalan discloses a method and apparatus for embedding binary data in audio signals. According to the relied upon portions of Gopalan, the magnitude of the power spectrum at the perceptual holes of each frame of a host speech utterance, may be altered so as to embed digital data. Further, the phase spectrum at perceptually masked special points of each frame of a host speech utterance, may also

be altered so as to embed digital data.

However, as best understood, the relied upon portions of Gopalan fail to disclose and teach an “embedding judgment unit to judge whether or not data should be embedded in the speech code based on a plurality of parameter codes constituting the speech code output from a code excited linear prediction encoder, the plurality of parameter codes including an LSP code, a pitch lag code, a fixed code and a gain code”.

Further, the relied upon portions, namely Fig. 1, element “155,” and paragraphs 22 and 27 of Gopalan, merely disclose a way of determining the PSD value in a embedding judgment unit. It is submitted that the relied upon portions fails to “judge whether or not data should be embedded in the speech code” recited in Claim 1.

Moreover, Gopalan fails to disclose and teach an “embedding unit replacing the embedded object parameter codes, a part of the LSP code, the pitch lag code and the fixed code, with the data should be embedded.”

Therefore, it is submitted that claim 1 patentably distinguishes over Gopalan and is allowable. Claims 3, 5-6, 8 and 10 have similar features of claim 1 and are allowable by the same reason of claim 1. Claims 2, 4 and 7 depend from claims 1, 3 or 7 and are allowable.

CONCLUSION

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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